

Walter O'Cheskey
Standing Chapter 13 Trustee
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:

**WOLFGANG RUHL
CHARLOTTE RUHL**

DEBTOR(S)

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CASE NO. 10-70039-HDH-13

HEARING DATE: 12-15-2010

HEARING TIME: 10:00 A.M.

**TRUSTEE'S OBJECTION TO DEBTORS' MODIFICATION OF CHAPTER 13 PLAN AFTER
CONFIRMATION**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW WALTER O'CHESKEY, Standing Chapter 13 Trustee (hereinafter referred to as "Trustee"), and files this his Objection to Debtors' Modification of Chapter 13 Plan after Confirmation filed herein by the above debtor(s), and would respectfully show the Bankruptcy court:

1. Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on February 4, 2010.
2. An order confirming Debtors' Chapter 13 Plan was entered March 25, 2010 and states, "The plan shall pay 100% to all allowed unsecured claims filed."
3. Trustee's Recommendation Concerning Claims hereafter known as TRCC was filed on September 21, 2010 and the Order Approving TRCC was entered on October 25, 2010.

4. Both the TRCC and Order Approving TRCC contain language to increase the plan term, plan payment and plan base in order to ensure that the plan remains a 100% plan to the allowed unsecured creditors.
5. Trustee alleges and shows that specific language was included that stated, "Also the additional plan payment of \$1,127 paid on 3-31-2010 shall be kept and applied to the base."
6. Debtors' Modification of Chapter 13 Plan after Confirmation was filed on November 18, 2010.
7. Trustee alleges and shows said Debtors' Modification of Chapter 13 Plan after Confirmation does not include in the total base the \$1,127 that was specifically stated on the Order approving TRCC.
8. Trustee further alleges and shows that Debtors' modified plan base should be a minimum of \$60,122.00 instead of the \$58,995.00 shown.
9. Trustee further alleges and shows Debtors' amended Current Income of Individual Debtor(s), (Schedule I), filed November 18, 2010 does not accurately reflect the income and deductions of Mr. Ruhl.
10. Trustee alleges and shows that Mr. Ruhl appears to be paid Bi-Weekly based on his October 29, 2010 paystub and Trustee believes his gross income should be \$5,714.80 instead of the \$5,288.40 shown.

WHEREFORE, the Trustee prays that the Bankruptcy Court deny Debtors' Modification of Chapter 13 Plan after Confirmation and for such other relief to which this bankruptcy estate may be justly entitled.

Date: November 22, 2010

Respectfully submitted,
/S/ Walter O'Cheskey
Walter O'Cheskey, Trustee
6308 Iola Avenue
Lubbock, TX 79424

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's Objection to Debtors' Modification of Chapter 13 Plan after Confirmation was this date served on the following parties at the addresses listed below by electronic service or by U.S. First Class Mail:

William Neary
United States Trustee
1100 Commerce Street, Room 9C60
Dallas, Texas 75242

Debtor(s):
WOLFGANG RUHL
CHARLOTTE RUHL
938 TEJAS DR
BURKBURNETT, TX 76354

Debtors Attorney
MONTE J WHITE
1106 BROOK AVE HAMILTON PLACE
WICHITA FALLS, TX 76301

Date: November 22, 2010

/S/ Walter O'Cheskey
Office of the Standing Trustee